

08/117,363



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08/117,363 -09/03/93

COOK

P ISIS1169

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
		18M2/0515	HOOTTEMAN, S

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EXAMINER	
1807	
ART UNIT	PAPER NUMBER
05/15/96 ZD	

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

 THE PERIOD FOR RESPONSE:

a) is extended to run 5 mo or continues to run _____ from the date of the final rejection

b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a). and 105 Filed 4-1-96

Applicant's response to the final rejection, filed 4-29-96 has been considered with the following effect, but it is not deemed to place the application in condition for allowance: 1

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. They raise new issues that would require further consideration and/or search. (See Note).
- c. They raise the issue of new matter. (See Note).
- d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: None
 Claims objected to: None
 Claims rejected: 1-29

However:

Applicant's response has overcome the following rejection(s): _____

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because: _____
(see attached)

5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction has has not been approved by the examiner.

Other Upon further review, support for "10-50", while not pointed out, was found on page 12, line 37. However, the non-entry is still proper because it raises a new issue as explained in the previous advisory action.

Item 4

The request for reconsideration has been considered but does not overcome the rejection.

Applicant argues, briefly, that the "length of internucleoside linkages" issue is different from the size of the "-R_A-N(R_{1a})(R_{1b})-" substituents because the claims only require the "-R_A-N(R_{1a})(R_{1b})-" be attached at the 2'-O-, 3'-O' or 5'-O- positions.

This argument is not persuasive because the 3'-O' and 5'-O- positions are the points of attachment of the internucleoside linkages.

15. This application is subject to the provisions of Public Law 103-465, effective June 8, 1995. Accordingly, since this application has been pending for at least two years as of June 8, 1995, taking into account any reference to an earlier filed application under 35 U.S.C. 120, 121 or 365(c), applicant, under 37 CFR 1.129(a), is entitled to have a first submission entered and considered on the merits if, prior to abandonment, the submission and the fee set forth in 37 CFR 1.17(r) are filed prior to the filing of an appeal brief under 37 CFR 1.192. Upon the timely filing of a first submission and the appropriate fee of \$750 for a large entity under 37 CFR 1.17(r), the finality of the previous Office action will be withdrawn. In view of 35 U.S.C. 132, no amendment considered as a result of payment of the fee set forth in 37 CFR 1.17(r) may introduce new matter into the disclosure of the application.

If applicant has filed multiple proposed amendments which, when entered, would conflict with one another, specific instructions for entry or non-entry of each such amendment should be provided upon payment of any fee under 37 CFR 1.17(r).

16. Papers relating to this application may be submitted to Group 180 by facsimile transmission. Papers should be faxed to Art Unit 1807. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Art Unit 1807 Fax number is (703) 305-7401.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Houtteman whose telephone number is (703) 308-3885. The examiner

Serial No. 08/117,363
Art Unit 1807

-3-

can normally be reached on Tuesday-Friday from 8:30 AM - 6:00 PM.
The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached at (703) 308-1152.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Scott Houtteman

Scott Houtteman
May 10, 1996

W. Gary Jones
W. GARY JONES
SUPERVISORY PATENT EXAMINER
GROUP 1800

5/13/96